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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,047	11/17/2003	Wen Hsiang Yuch	MR1957-798	1148

4586 7590 09/26/2006

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,047

Applicant(s)

YUEH, WEN HSIANG

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 7/31/06. Claims 21-38 are now pending in the present application. **This action is made final.**

Amendment

It is noted that there is a typo error in the amendment. Specifically, the cancelled claims should be 1-20 rather 10-20 as recited in the amended claims. Please correct in the next communication.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **21-32, 34-35, 37-38** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lehtonen** (US 2001/0049262) in view of **Hahn** (US Patent Number 6,230,029).

Regarding claim **21**, **Lehtonen** discloses a headset (read on mobile storage device) which comprises a Bluetooth transceiver attached thereto for providing hands-free functions of mobile calls, files transfer, and playing music to a user (see Abstract, Fig. 3 and [0011] to [0017]), which would include all the claimed limitations, comprising:

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- a memory control module as claimed (see Fig. 3, [0031] regarding memory card driver);

- an MP3 processing module as claimed (see Fig. 3, [0031]);

- a Bluetooth transceiver (earphone module) (see [0032]);

- a control switch as claimed (see [0033], [0044]). Here, although **Lehtonen** fails to disclose the control switch is an "electronic" switch, one skilled in the art would recognize benefits of an "electronic" switch over other switches (i.e, mechanical switch, magnetism switch, etc.), to modify Lehtonen for utilizing an "electronic" switch as claimed, for cost saving.

As to the newly limitation regarding a detachable feature for the Bluetooth transceiver, it is noted that utilizing a detachable feature for the transceiver of a wireless headset is known in the art as disclosed by **Hahn** (see **col. 4, lines 46-51**). Since one skilled in the art would recognize benefits of the detachable feature for different configurations in **Hahn**, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the above teaching **Hahn** to **Lehtonen** for providing the detachable feature for the Bluetooth transceiver of the wireless headset in **Lehtonen** as well. By doing so, it is clear that the Bluetooth transceiver in **Lehtonen**, as modified, would provide wireless transmission function when attached it to the headset, and would disable the wireless transmission function when detached it from the headset.

Regarding claim **22**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, **Lehtonen** would disclose a display as claimed (see [0017], [0050]).

Regarding claim **23**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, **Lehtonen** would disclose a flash memory as claimed (see [0046]), in order to be able to continue the music from the point when the playback was interrupted.

Regarding claim **24**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, **Lehtonen** discloses a memory card reader as claimed (see Fig. 3, [0041]).

Regarding claim **25**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, it is clear that **Lehtonen** would obviously disclose a MP3 decoding "chip" as claimed (see [0019] regarding the integrating of the memory card and MP3 player in the headset), in order to allow the headset to be kept small (i.e., utilizing advantages of tiny sizes of IC chips).

Regarding claim **26**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, since utilizing a recording device in a mobile phone is well known in the art (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Lehtonen** for recording important phone calls as well. By doing so, it is clear that the MP3 processor would obviously comprise an MP3 encoding chip data in order to store voice data in MP3 compressed data format, for preventing overloading memory spaces of the mobile phone (see [0052], [0047]).

Regarding claim **27**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, **Lehtonen** would obviously disclose function keys as claimed (see Fig. 2, [0034], [0042]), the basic user interface is implemented in the headset).

Regarding claim **28**, the claim is rejected for the same reason as set forth in claim 21 above. In addition, since utilizing a function key for switching a communication mode is well known in the art (Official Notice), it would have been obvious to one skilled in the art at the time the invention was made to modify **Lehtonen** for replacing the control switch with a function key as claimed, as an alternative choice for a switch (see **Lehtonen**, [0033], [0044]).

Regarding claim **29**, the claim is rejected for the same reason as set forth in claim 27 above. In addition, **Lehtonen** would disclose a function key for playing back MP3 as claimed (see Fig. 2, [0034]).

Regarding claim **30**, the claim is rejected for the same reason as set forth in claim 27 above. In addition, **Lehtonen** would disclose adjust keys as claimed (see Fig. 2, [0034] regarding volume key).

Regarding claim **31**, it is clear that **Lehtonen** as modified in claim 26 above would obviously disclose a recording key as claimed, in order for a user to control and record important phone calls only.

Regarding claims **32, 35**, the claims are rejected for the same reason as set forth in claim 21 above. In addition, **Lehtonen** would disclose a remote Bluetooth module

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connected to a computer equipment (i.e, memory card or computer servers of a communication network) for transferring digital data as claimed (see [0031] and [0041]).

Regarding claims **34**, the claims are rejected for the same reason as set forth in claim 32 above. In addition, **Lehtonen** would disclose the wireless transmission transmits at least one of a voice signal, a digital data, and the processed MP3 digital data as claimed (see Fig. 3 and [0035], [0052]).

Regarding claim **37**, the claim is rejected for the same reason as set forth in claim 35 above. In addition, it is clear that **Lehtonen** would disclose Bluetooth earphone module (transceiver) is wirelessly connected to a plurality of the Bluetooth earphones with same frequency and channel (i.e, 2.4 GHz, see [0032]).

Regarding claim **38**, the claim is rejected for the same reason as set forth in claim 35 above. In addition, since Hahn discloses a channel selection switch (see col. 4, lines 36-43), it would have been obvious to one skilled in the art at the time the invention was made to incorporate the above teaching **Hahn** to **Lehtonen** for providing the detachable feature for the Bluetooth transceiver of the wireless headset in **Lehtonen** as well, for being able to avoid channel interferences when needed.

3. Claims **33, 36** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lehtonen** in view of **Hahn** and further in view of **Reshefsky** (US Patent Number **6,873,862**).

Regarding claims **33, 36**, **Lehtonen** would disclose all the claimed limitations, see claim 1 above, except for the control switch that is switched automatically upon

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receiving an incoming call. However, **Reshefsky** discloses a headphone for connecting to an MP3 player as well as to a cellular phone, wherein a control switch is switched automatically upon receiving an incoming call (see Abstract, Fig. 1 and col. 4, lines 17-36). Here, since one of skilled in the art would recognize of need of preventing a user from missing telephone calls while he/she is listening to music, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the above teaching Reshefsky to Lehtonen for providing such an automatic switch, for utilizing the "automatic" feature to further enhance conveniences to the user.

Response to Arguments

4. Applicant's arguments with respect to claims 21-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen

Sept 23, 2006

